

MILFORD PLANNING BOARD PUBLIC HEARING
August 18, 2015 Board of Selectmen's Meeting Room, 6:30 PM

Members Present:

Christopher Beer, Chairman
Paul Amato
Steve Duncanson
Janet Langdell
Veeral Bharucha, Alternate member
Tim Finan, Alternate member

Perspective Alternate member

Douglas Knott

Staff:

Bill Parker, Community Development Director
Shirley Wilson, Recording Secretary
Scott Schaeffer, Videographers

Excused:

Kathy Bauer
Judy Plant
Susan Robinson, Alternate member

MINUTES:

1. Approval of minutes from the 7/21/15 meeting.

NEW APPLICATIONS

2. **Leonard A. Golden, et al / Marilyn J. Piekarski, Trustee – Osgood and Mason Roads – Map 42, Lots 50-1, 50-2, & 55.** Public Hearing for a lot line adjustment involving three (3) residential lots in the Residence R District. *(New application- Monadnock Survey, Inc.- tabled from the 7/21/15 meeting)*
3. **Salt Creek Properties, LLC – South St – Map 43, Lots 20, 20-1, 71 & 72.** Public Hearing for multiple lot line adjustments involving four (4) lots to construct a new road in the Limited Commercial Business and Commercial Districts and for a waiver request from Milford Development Regulations, Section 7.02, *Roadway Standards Charts, Table 1* to allow a dead-end road to be constructed longer than the maximum allowed 1,000 linear feet. *(New application-Monadnock Survey, Inc.)*

OLD BUSINESS

4. **San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4;** Compliance Hearing relative to conditions of approval for the Mile Slip & Boynton Hill Road subdivision, conditionally approved May 19, 2015.

OTHER BUSINESS

5. Set date for worksession
6. Other

Chairman Beer called the meeting to order at 6:30PM. He introduced the Board and staff and explained the ground rules for the public hearing. Tim Finan and Veeral Bharucha, alternate members were called to sit.

MINUTES:

S. Duncanson made a motion to approve the minutes from the 7/21/15 meeting as presented. T. Finan seconded. J. Langdell abstained and all else in favor. Vote 5-0-1; motion carried.

NEW BUSINESS:

Leonard A. Golden, et al / Marilyn J. Piekarski, Trustee – Osgood and Mason Roads – Map 42, Lots 50-1, 50-2, & 55. Public Hearing for a lot line adjustment involving three (3) residential lots in the Residence R District.

C. Beer read the notice into the record and then email correspondence from Phil Tuomala dated 8/13/15 requesting to be tabled to the September meeting.

P. Amato made a motion to table the application for the lot line adjustments to the 9/15/15 public hearing. S. Duncanson seconded and all in favor. Vote 6-0-0; motion carried.

Salt Creek Properties, LLC – South St – Map 43, Lots 20, 20-1, 71 & 72. Public Hearing for multiple lot line adjustments involving four (4) lots to construct a new road in the Limited Commercial Business and Commercial Districts and for a waiver request from Milford Development Regulations, Section 7.02, *Roadway Standards Charts, Table 1* to allow a dead-end road to be constructed longer than the maximum allowed 1,000 linear feet.

Abutters present:

Paul Dargie, Prospect St

Chairman Beer recognized:

Dawn Tuomala, Monadnock Survey Inc.

Steven Desmarais, Salt Creek Properties, LLC

Chairman Beer read the notice into the record and verified that the application was complete. J. Langdell made a motion to accept the application. S. Duncanson seconded and all in favor. P. Amato made a motion that the application did not pose potential regional impact. J. Langdell seconded and all in favor. S. Wilson read the abutters list into the record.

D. Tuomala presented plans dated 8/18/15 and gave an overview of the proposed lot line adjustments for the 1,200ft linear road. Revisions have been made, per staff recommendation, including the color coded chart, renaming and extending the “temporary” turnaround to accommodate the new fire truck and noting all the bounds to be set.

Waiver

C. Beer reviewed staff comments. D. Tuomala said she is in process of redesigning the road per the Fire and DPW requests to have a 24ft road instead of the proposed 22ft. We are also softening it a little bit where the grade reverses. We have limited space for the road and stormwater because we have to maintain minimum distances from PSNH poles and want to keep out of the wetlands and buffer. Also, the new fire engine exceeds the turnaround length, even though it is designed to the town’s specifications. We have to extend the pavement on both ends by 25ft to accommodate the new 45ft ladder truck. J. Langdell noted that the Board should take a look at our standards at a future worksession. J. Langdell inquired if any changes in the lot lines were anticipated due to the grading changes. D. Tuomala replied that she hopes not, but when the grading changes, we will probably hit the 100,000 ft trigger for an AoT permit; however, we will still meet the EPA stormwater requirements and will be finalizing that with the road details. J. Langdell said it would be a shame to do all this work only to find out that you will have to come back to the Board. Even with conditional approval, if the actual lines change you have to come back to the Board. S. Desmarais said those lot lines are meaningless because there will be re-subdivision of the lots with future development and we will be revising the lots as we create uses for the land. D. Tuomala stated that each one of those lots can stand on its own and can support a septic system and a

well. It is Steve's intention to put in water and sewer and Jodie, the former Town Planner, said that the sewer and water designs can come later as part of the conditional approval.

J. Langdell noted that the waiver request is for 1,160 linear ft but the presentation is for 1,200 ft. D. Tuomala explained that the 1,160 ft goes to the centerline of the hammerhead, which is how the regulations are worded but the road will actually go a little further.

P. Amato inquired if there were any easements from PSNH/Eversource. S. Desmarais said that we are finalizing a few things to meet their standards, but there is no need to do that process until we have a plan.

T. Finan said he didn't have any issue with the waiver because the long term intentions will open up access to other roads. J. Langdell asked what the next phase for this road would be. S. Desmarais replied that it will take some work to accomplish the Town's ultimate goal of connecting through to Ponemah Hill Rd or Powers St and he is working with private individuals for the near term; however, he would also consider additional road extensions to develop portions of the land.

Chairman Beer opened discussion to the public, pertaining to the waiver request.

Suzanne Fournier, 9 Woodward Dr, stated that Salt Creek Properties is a company established for the purpose of real estate development, which is fine and they purchased lots 43/20 and 43/69 in April, 2012. On May 8, 2013 the company notified NH DES that it would be logging and used the forestry notification for minimum wetlands impact form. By August, 2013 the company had finished logging and left piles of uprooted trees, which can still be seen from the bypass. To understand the DES process, the forestry notification form bypasses the regular, more stringent DES review of wetlands because DES treats loggers differently than they do developers. It also bypasses the Town's review of both wetlands and buffers. The relevant question asked on that form is "Is the land being cleared in preparation for subdivision, development or conversion to non-forestry use?" If you answer yes, then you have to use another type of application to go through the more stringent review process. Salt Creek Properties answered no to that question, but still proceeded to come before this Board and presented various conceptual plans and tonight, a real plan. Salt Creek also subdivided and sold two acres of lot 43/69 to a local company who proceeded to develop it. So clearly, Salt Creek used this process even though they were planning to actually develop the land and I believe they misused the forestry notification process, thereby violating the intent of that process, set up by the Department of Environmental Services for the State of New Hampshire. They put wetlands and buffers at risk by not receiving the proper review. I submitted this in writing a couple of months ago but don't know if the Community Development Director gave that information to this Board.

J. Langdell inquired about the relevance of this information to the lot line adjustment application being considered; this Board does not have any control over the NH DES process, and if there are concerns about that process, one should go to the State and bring this up with the appropriate legislative representatives.

S. Fournier stated that in relevance to the town, the applicant bypassed the Zoning Board by using this process, lot 43/20 is one of the lots affected, and the road is not just being built for the road or the lot line adjustment, it's being built for the plan. The applicant has talked about his plans and referenced buyers and builders; that's the relevance, so will you please hear me out. It is information to be considered and I don't know where it fits in but the forestry notification says no development and yet they are developing. Does this Board have an expectation that applicants coming before you abide by local, state and federal laws? C. Beer answered that is not within our purview. S. Fournier suggested a remedy that is in the Board's control and recommended that this Board require a complete wetlands delineation of all the properties the applicant talked about, including all the vernal pools, some of which are likely on this property and that they be checked in the spring of 2016. Then all that information should be given to the Conservation Commission who reviews the information for DES applications and who advises the Zoning Board. Also, retroactively take the wetlands that have been impacted under the forestry notification and go to the ZBA for approval. In addition, have all alterations of terrain in the project area been included in the 100,000 SF calculation that triggers an AoT application? DES includes all alterations, cumulatively, ten years prior to the application and she referenced a previous discussion that talked about grading for housing. S. Desmarais explained that the grading was done on existing roads that have been there for a hundred years. I asked if a permit was required and was told that you don't need an AoT permit for an existing road. Also, those roads are on a different piece of land and are not even close to this lot line adjustment. There

were no alterations to the land done by anyone other than the logger. The log yard is still there and the landing that was done to store the loads of stone for the road, required by the police, can also be seen. I don't believe we are violating any requirements and every single piece of wetlands has been marked on the plan. Furthermore, I want to ask Ms. Fournier when she called DES and the Town and they spent the day walking the land, did anyone indicate if something was done wrong or were there any violations. After a heated discussion, S. Fournier replied that there was a letter at the town level referencing the piles being too high and the DES case was closed after examination, without violation. S. Desmarais further explained that the stumps were piled to be ground up, but during the middle of grinding, the stump grinder broke and the piles are still there. The law requires that slash piles be 8ft or 6 ft so that a skidder can drive over them to rot faster and not have forest fires. Piles of stumps can't burn and if it matters, I will make them lower than 8ft high. The grinder will be back and we will grind those stumps. J. Langdell noted that this is on the record now and code enforcement can deal with it accordingly. She also noted that inflammatory language thrown around by both Ms. Fournier and Mr. Desmarais was not pertinent to the lot line adjustment and road waiver.

P. Amato added that wetland submittals are not required to go to the Conservation Commission for lot line adjustments and reiterated that it is outside the scope of this application.

Chairman Beer closed the public portion of the meeting at 7:15pm.

P. Amato made a motion to grant a waiver from Milford Development Regulations, Article VII, Section 7.02, *Roadway Standards Charts; Table 1*, to allow a 1,200ft dead-end road. S. Duncanson seconded and all in favor. Vote 6-0-0; motion carried.

B. Parker brought up the concerns of the Fire Department regarding the water line relative to the road length. P. Amato asked why this is a concern with the subdivision application; the Fire Department has made their case very clear and when the applicant comes back with a site plan the water will have to be addressed. J. Langdell said that water is an issue with a dead-end road in a commercial zone, but right now there is nothing there. S. Desmarais stated that he is working with the Water Commissioners to fulfill the comprehensive plans that they have. They would like to loop South St with the Osgood line and I am working on options. When I come back, there will be a water line all ready to go and it is in the works.

P. Amato asked if this was a plan to build the road. D. Tuomala said that is one of the conditions and referenced note #9.

S. Duncanson inquired about staff recommendation #10. D. Tuomala replied that the intention was to put the sewer and water on the plan as future or preliminary but they are not on this set. S. Desmarais said that there is a 2" old water service line that goes to Kinkaid's and Silva's that is a problem. I have been talking to the Commissioners as to the best way to hook up, but will most likely hook up to the 10" line from the standpipe on Prospect St that goes down to the DPW garage. I was going to put the sewer in the new street but there are a couple of alternate plans to get to the DPW, either by road or cross country with different advantages to both. We will get the water line in for the first building.

J. Langdell said that with a 24ft wide road, there should be enough room for some type of walking path, at least on one side to safely get people up and back to the new commercial area as we move forward. S. Desmarais stated that a walking path is definitely in his plan.

Chairman Beer opened discussion to the public; there being none, the public portion of the hearing was closed.

P. Amato made a motion to conditionally approve the application, subject to the following that;

1) Zoning district lines (LCB, C, and A) be shown on the subdivision/lot line adjustment plan;

- 2) A table be added to the plan indicated all 'before' and 'after' lot areas, the parcels being added and subtracted from each existing lot to an adjusted lot be labeled and areas shown; and the area of the road right-of-way;
- 3) The proposed hammerhead be revised to a 'temporary turnaround' easement;
- 4) A note be added to the plan reflecting the waiver approval;
- 5) A name for the proposed roadway, approved by Town emergency management services, be added to the plan;
- 6) A note be added stating that any stone walls affected by development, be preserved where possible, and if it is necessary to disturb the stone walls that the disturbed stones be reused on site when practical;
- 7) All new roadway and lot monumentation be labeled;
- 8) A note be added that "Within two (2) years from the signing of this subdivision plan by the Planning Board required bonding must be submitted to the Office of Community Development and active and substantial development must occur in accordance with Section 4.08 of the Town of Milford Development Regulations."
- 9) Required stormwater and drainage plans be submitted to the Community Development Office that address drainage design considerations and concerns identified by Staff and the Conservation Commission as necessitated by the new roadway;
- 10) Preliminary, future municipal water and sewer lines be added to the plan set;
- 11) A letter from a licensed surveyor be submitted to the Building Department attesting that all lot monumentation has been set prior to final Planning Board approval or a security be put in place for all property bounds and submitted to the Office of Community Development;
- 12) The road width be changed from 22' to 24';
- 13) The hammerhead be extended to accommodate fire apparatus.

S. Duncanson seconded and all in favor. Vote 6-0-0; motion carried unanimously.

OLD BUSINESS:

San-Ken Properties, LLC, et al – Mile Slip, Wolfer and Boynton Hill Roads – Map 45, Lots 3, 17, 18 and Map 40, Lot 104-4; Compliance Hearing relative to conditions of approval for the Mile Slip & Boynton Hill Road subdivision conditionally approved May 19, 2015.

Chairman Beer read correspondence from Fieldstone Land Services, PLLC dated 8/17/15 requesting the compliance hearing be continued to the 9/15/15 meeting.

J. Langdell inquired why. C. Beer said that they are still working with the Town on the development agreement and the legal documents for this project and waiting on several of the State permits. B. Parker noted that he just received comments from Attorney Drescher but hasn't reviewed them yet and a brief discussion on the timeframe and conditions ensued.

P. Amato made a motion to continue this to the 9/15/15 meeting. S. Duncanson seconded and all in favor. Vote 6-0-0; motion carried.

OTHER BUSINESS:

B. Parker said that Dave Quigley and Aaron Kaplan would like to present some zoning changes to the Board and the ZBA would also like to meet with the Board. P. Amato added that the joint zoning work with the Conservation Commission will also have to come to a worksession. After some discussion, the next worksession was set for 9/1/15 to have 45 minute appointments.

The meeting was adjourned at 7:40PM on a motion by S. Duncanson and seconded by P. Amato.

Motion to approve: T. Finan
Seconded by: P. Amato

MINUTES OF THE AUGUST 18, 2015 PLANNING BOARD MEETING APPROVED ON SEPT 15, 2015.